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12
13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE EASTERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,
16 Plaintiff,
17 vs.
18 FREDRICK F. DAWSON,
19 Defendant.

20 Case No. 5:22-cr-00001-CDB

21 **STIPULATION TO CONTINUE STATUS
22 CONFERENCE; [PROPOSED] ORDER**

23 Date: August 1, 2023
24 Time: 10:00 a.m.
25 Judge: Hon. Christopher D. Baker

26 IT IS HEREBY STIPULATED by and between the parties through their respective
27 counsel, Special Assistant United States Attorney Chan Hee Chu, counsel for plaintiff, and
28 Assistant Federal Defender Erin Snider, counsel for Fredrick F. Dawson, that the Court may
continue the status conference currently scheduled for July 11, 2023, at 10:00 a.m. to August 1,
2023, at 10:00 a.m. before the Honorable Christopher D. Baker.

29 On June 3, 2022, the government filed an Information charging Mr. Dawson with one
30 count of theft of government property. *See* ECF No. 7, Case No. 1:22-cr-00107-ADA-1. The
31 magistrate judge thereafter dismissed the Information without prejudice on the basis of a Speedy
32 Trial Act violation. *See* ECF No. 18, Case No. 1:22-cr-00107-ADA-1. The defense filed a timely
33 appeal to the district court judge, arguing that the magistrate judge erred in dismissing the case
34 without prejudice. *See* ECF No. 20, Case No. 1:22-cr-00107-ADA-1. As of December 5, 2022,
35 the appeal has been fully briefed and the parties are awaiting a ruling from the district judge. *See*

1 ECF No. 29, Case No. 1:22-cr-00107-ADA-1.

2 Meanwhile, the government refiled the charge against Mr. Dawson, which is the instant
3 case. Because the pending appeal may impact the government's ability to proceed with this
4 prosecution, the parties agree that, in the interest of efficiency, this case should trail the pending
5 appeal.

6 In addition to the pending appeal, this case involves voluminous discovery—
7 approximately 3,880 Bates-marked pages. Defense counsel requires time to review discovery
8 and consult with her client. Defense counsel believes that failure to grant the above-requested
9 continuance would deny her the reasonable time necessary for effective preparation, taking into
10 account the exercise of due diligence.

11 Based on the above, the parties agree that the ends of justice served by continuing the
12 case as requested outweigh the interest of the public and the defendant in a trial within the
13 original date prescribed by the Speedy Trial Act, and the parties agree that, for the purpose of
14 computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must
15 commence, the time period July 11, 2023, to August 1, 2023, inclusive, is excludable pursuant to
16 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

17 **IT IS SO STIPULATED.**

18 Respectfully submitted,

19 PHILLIP A. TALBERT
20 United States Attorney

21 Date: June 22, 2023

22 /s/ Chan Hee Chu
23 CHAN HEE CHU
Special Assistant United States Attorney
Attorney for Plaintiff

24 Date: June 22, 2023

25 HEATHER E. WILLIAMS
Federal Defender

26 /s/ Erin Snider
27 ERIN SNIDER
Assistant Federal Defender
Attorney for Defendant
28 FREDRICK F. DAWSON

ORDER

IT IS SO ORDERED. The status currently scheduled for July 11, 2023, at 10:00 a.m. is hereby continued to August 1, 2023, at 10:00 a.m. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of July 11, 2023, to August 1, 2023, inclusive, is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

Dated: June 23, 2023

Chris D. Brown
UNITED STATES MAGISTRATE JUDGE